

November 10, 2009

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., November 10, 2009.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei

Members absent: Councilman Jeffrey B. Hubbard

Staff present: City Manager Charles P. Kolakowski, City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Tharp opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Tharp declared that the minutes of a regular Council meeting held on October 27, 2009, were approved as distributed.

The City Manager reported on the following:

- The City is being recognized for its continued support of the National Guard and Reserve.
- The annual Finance Report and Audit have been distributed to Council – Mr. Kolakowski asked Council to review the reports – Council will meet with the auditors prior to the November 24, 2009, Council meeting. The City Manager encouraged Council to notify him of any comments or questions prior to the meeting in order that he may forward them to the auditors.

Councilman Vest, Chairman of the Finance Committee, reported the Committee met earlier in the evening and deemed it is not appropriate at this time to change the City's policies on tax relief.

Sergei Troubetzkoy, Director of Tourism, stated that members of Council had received a report reviewing highlights of the year for the Bedford Area Welcome Center. Mr. Troubetzkoy stated it has been a very successful year – increases in visitation have occurred at the D-Day Memorial, Poplar Forest, and the Welcome Center.

Dan Plattus, Office Manager, Bedford Main Street, Inc., briefly reviewed Main Street's status: up-to-date on bills, taxes, and insurances; Centerfest was profitable; 40 or 50 units in the Christmas Parade, which is scheduled for December 5 at noon; the new Bedford Main Street website is up.

City Manager Kolakowski reported on the following:

Linda C. Crunkleton, Clay A. Crunkleton, Carla Groff and Twila C. Deel, are the present owners of 2.347 acres located at the northeast intersection of Monroe Street and Park Street. The property was formerly owned by Bedford Farmers Supply, Inc. The owners have requested the City

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Council to approve vacation of a 5 foot alley shown on old plats which runs eastwardly from Park Street into the center of the 2.347 acres.

The alley was first shown on a plat prepared by S. S. Lynn in April 1929, entitled "Map of Park Place in the Eastern Suburbs of Bedford." The plat was attached to a 1930 deed recorded in Deed Book 158, at page 156. Subsequently a portion of the earlier plat was resurveyed, and the same alley appears in a plat entitled "Plat of a Portion of Block A, Park Place..." prepared by Mr. Lynn in December 1949, which plat was attached to a deed to Bedford Farmers Supply, Inc. dated April 3, 1950 and recorded in Deed Book 233, at page 582.

The present owners own all of the lots surrounding the 5 foot alley, and the proposed vacation does not impede or alter drainage or access for any lot owners other than those immediately adjoining or contiguous to the vacated area. In such cases, Virginia Code Section 15.2-2272, 1 provides for vacation of the portion of the plat showing the street by execution of an instrument in writing signed by all of the adjoining lot owners and also signed on behalf of the governing body of the locality.

The City Manager stated that Council is requested, by appropriate motion, to approve vacation of the 5 foot alley shown on plats attached to deeds recorded in the Circuit Court of Bedford County Clerk's Office in Deed Book 158, at page 156, and in Deed Book 233, at page 581, and that the Mayor and City Clerk be authorized and directed to execute an agreement of vacation of plat in a form approved by the City Attorney.

On motion by Councilman Vest, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council approved vacation of the 5 foot alley shown on plats attached to deeds recorded in the Circuit Court of Bedford County Clerk's Office in Deed Book 158, at page 156, and in Deed Book 233, at page 581, and that the Mayor and City Clerk be authorized and directed to execute an agreement of vacation of plat in a form approved by the City Attorney. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hubbard	absent
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	abstained
Mayor Tharp	aye

The City Manager stated since the second City Council meeting in December falls during the Holiday season, Council is requested to adopt a Resolution canceling the meeting.

On motion by Councilman Stanley, seconded by Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council adopted the resolution canceling the second Council meeting in December. Roll call vote follows:

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Councilman Hubbard	absent
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Mayor Tharp	aye

The resolution follows as adopted:

RESOLUTION

WHEREAS, Section 11 of the Charter of the City of Bedford requires that Council shall "fix the time and place of its meeting," and

WHEREAS, the City Code requires in Section 2-27 that meetings shall be on "the second and fourth Tuesday of each month," and

WHEREAS, the second regular Council meeting in December is scheduled for December 22, 2009, which is during the Holiday season;

NOW, THEREFORE, BE IT RESOLVED that the City Council meeting scheduled for December 22, 2009, be and the same hereby are canceled.

Councilman Stanley moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(3) of the Code of Virginia of 1950, as amended for the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position. Councilman Vest seconded the motion. The motion was voted upon and carried by the following roll call vote:

Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	absent
Mayor Tharp	aye

Council adjourned into closed session at 7:17 p.m. The following non-council members attended: City Manager Kolakowski, City Attorney Berry, and Assistant City Manager Warner.

Council reconvened into open session at 7:24 p.m.

The Clerk of Council read aloud the following resolution:

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BE IT RESOLVED that the Council of the City of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	absent
Councilman Rush	aye
Mayor Tharp	aye

Mayor Tharp adjourned the meeting at 7:25 p.m. until November 24, 2009, at 6:00 p.m.